

PATENT COOPERATION TREATY
PCT
INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 31924WOP00	FOR FURTHER ACTION	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416).
International Application No. PCT/AU2002/001499	International Filing Date (day/month/year) 5 November 2002	Priority Date (day/month/year) 5 November 2001
International Patent Classification (IPC) or national classification and IPC Int. Cl. ⁷ A61J 1/10, A61M 5/00, B65D 35/00, 83/00		
Applicant THE UNIVERSITY OF NEWCASTLE RESEARCH ASSOCIATES LIMITED et al		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 3 sheets, including this cover sheet.
- ☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 1 sheet(s).

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 4 June 2003	Date of completion of the report 12 February 2004
Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaaustralia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer Sue Thomas Telephone No. (02) 6283 2454

I. Basis of the report**1. With regard to the elements of the international application:***

- ☐ the international application as originally filed.
- ☒ the description, pages 1-9, as originally filed,
pages , filed with the demand,
pages , received on with the letter of
- ☒ the claims, pages 11-13, as originally filed,
pages , as amended (together with any statement) under Article 19,
pages , filed with the demand,
pages 10, received on 18 August 2003 with the letter of 18 August 2003
- ☒ the drawings, pages 1/5-5/5, as originally filed,
pages , filed with the demand,
pages , received on with the letter of
- ☐ the sequence listing part of the description:
pages , as originally filed
pages , filed with the demand
pages , received on with the letter of

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/fig.

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	YES
	Claims 1-18	NO
Inventive step (IS)	Claims	YES
	Claims 1-18	NO
Industrial applicability (IA)	Claims 1-18	YES
	Claims	NO

2. Citations and explanations (Rule 70.7)

D1 WO 96/04029

D3 US 5207645

D2 CA 2083555

D4 GB 2165312

NOVELTY (N) Claims 1-18

Claims 1, 14, 15 All the features of each of the claims is provided by D1-D4. For example, D1 for claim 1 provides: :

Chamber adapted to contain flexible bag of liquid	item 30
Outlet of bag adapted to receive conduit communicating with interior of bag	item 100
Gas source to apply pressure to exterior bag walls	item 54
Pressure regulator for predetermined substantially constant gas pressure	item 20
Gas pressure whereby liquid dispensed from bag outlet at substantially constant rate	item 80

It is noted that D4 provides a gas pressure stabilised at the final level which is a chosen pressure, page 2, lines 84, 85, thus providing a pressure regulator, whether or not manually arranged, for a predetermined substantially constant gas pressure. Page 1, line 81, lists the advantage of "ensurance of a constant rate of flow" provided in D4.

All the features of claims 14 and 15 are similarly disclosed in D1-D4.

Claim 2: D1, D3 and D4 each provide all the features of the claim.

Claims 7 and 9: All the features of these claims are provided by D1 and D4, respectively.

Claims 3, 4 and 5: D1 and D3 each provide all the features of each of these claims.

Claims 6, 8, 10, 17 and 18: D1, D2 and D3 each provide all the features of each of these claims.

Claims 11 and 13: D2, D3 and D4 each provide all the features of each of these claims.

Claim 12: All the features of the claim are provided by D3.

Claim 16: All the features of the claim are provided by D2 and D4.

INVENTIVE STEP (IS) Claims 1-18

Since claims 1-18 lack novelty, they also lack inventive step.

- 10 -

THE CLAIMS DEFINING THE INVENTION ARE AS FOLLOWS:-

1. An apparatus for controlled rate dispensing of a liquid contained in a flexible bag,
said apparatus including
 - 5 a chamber adapted to contain the flexible bag containing the liquid;
an outlet from the chamber adapted to receive an outlet conduit communicating
with the interior of the flexible bag;
a source of gas arranged to apply pressure to at least part of the exterior walls of
the flexible bag; and
 - 10 a pressure regulator arranged to maintain a predetermined substantially constant
gas pressure applied to said exterior walls,
whereby the pressure applied to said exterior walls causes liquid to be dispensed from
the flexible bag through the outlet conduit at a controlled and substantially constant rate.
- 15 2. The apparatus according to claim 1, wherein
 - the chamber is a substantially gas-tight chamber;
 - the outlet from the chamber is adapted to seal the outlet conduit to the chamber;
 - and
 - the source of gas is arranged to supply gas under pressure to the interior of the
 - 20 chamber, thereby applying pressure to the exterior walls of the flexible bag.
3. The apparatus according to claim 1 or 2, wherein the pressure regulator is arranged
to regulate flow of gas from the source of gas to the chamber.